

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: Sept. 30, 1999

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
HESHAM ELAKBAWY, B.V.SC.	:	FINAL DECISION AND ORDER
	:	FOLLOWING UPL EXPLANATION
	:	
TO PRACTICE VETERINARY MEDICINE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened before the New Jersey Board of Veterinary Medical Examiners upon receipt of information indicating that Hesham Elakbawy, B.V.Sc., by the use of coupons distributed by Val-Pak of New Jersey, was advertising without listing his correct name as it appears on his license, without listing his degree, and without indicating that he is a veterinarian, in violation of N.J.A.C. 13:44-4.8(b), (c) and (i). In addition, the coupons, which offered free services, failed to list his usual prices as mandated by N.J.A.C. 13:44-4.8(e).

By Uniform Penalty Letter (UPL) of August 4, 1999, respondent was notified that the Board had found that his advertising had violated the Practice Act. Respondent was offered the opportunity to settle the matter to avoid the initiation of formal disciplinary proceedings by signing a certification (a) acknowledging the allegations and paying a penalty of \$750.00; or (b) waiving any right to a hearing and submitting a written statement for the Board's final consideration. In addition, he was informed that he could request a hearing before the Board. Respondent checked (b) and wrote that he had expected Valu-Pac to take care of "the whole aspect of the advertising considering the state regulations," and that he intended to contact them and request an explanation. He disagreed with the Board's finding that his advertising did not clearly identify him as a veterinarian, pointing out that it stated "Dr H.Akbawy formerly senior head surgeon of clifton pet general (sic)..." He asserted that his name was listed correctly in that in "the Arabic culture" the "El" stands for "the" in English, so that his name can be written as "Akbawy" or El-Akbawy." However, his license to practice veterinary medicine lists his name as "Hesham Elakbawy"

At its meeting of September 1, 1999, the Board considered respondent's submission and rescinded its finding that respondent had failed to list his name correctly in his advertising, but sustained its previous findings that Dr. Elakbawy had failed to list his degree in his advertising, that he had failed to indicate that he is a veterinarian, and that he had failed to list his usual prices for services which he was offering to perform for free. In addition, the Board determined that Dr. Elakbawy should consistently use his name as it is written on his license.

Based on the foregoing;

IT IS on this 30th day of September , 1999.

ORDERED that:

1. Respondent Hesham Elakbawy, B.V.Sc., shall pay to the Board of Veterinary Medical Examiners a civil penalty in the amount of \$750.00 for the

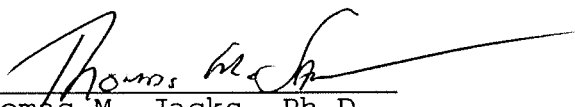
violation of N.J.S.A. 45:1-21(h) for failing to comply with the provisions of the Board's advertising regulation. Payment shall be made by certified check or money order payable to the State Board of Veterinary Medical Examiners shall be delivered within ten (10) days of the service of this Order to Diane Romano , Executive Director of the Board of Veterinary Medical Examiners, P.O. Box 45020, Newark, New Jersey 07101;

2. Respondent Hesham Elakbawy, B.V. Sc., shall henceforth list his name on all advertising and on any official documents as it is written on his license; "Hesham Elakbawy".

3. Respondent shall cease and desist from engaging in the conduct found herein to be unlawful.

BOARD OF VETERINARY MEDICAL EXAMINERS

By


Thomas M. Jacks, Ph.D.
President